

Amendment No. \_\_\_\_\_



Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 383\***

**House Bill No. 1126**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 2, is amended by adding the following as a new section:

37-5-214.

(a) As used in this section:

(1) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(A) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(B) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(C) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area; and

(2) "Temporary" means for no more than two (2) hours.



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(b) This section applies to juvenile detention facilities approved, certified, or licensed by the department of children's services, including youth development centers.

(c) Seclusion shall not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others.

SECTION 2. Tennessee Code Annotated, Section 37-1-102, is amended by deleting subdivision (b)(26) and substituting instead the following:

(26) "Seclusion" means the involuntary segregation of a child from the rest of the resident population regardless of the reason for the segregation, including confinement to a locked unit or ward where other children may be seen or heard but are separated from the child, but does not include:

(1) The segregation of a child for the purpose of managing biological contagion consistent with the centers for disease control and prevention guidelines;

(2) Voluntary time-out involving the voluntary separation of an individual child from others, and where the child is allowed to end the separation at will; or

(3) Temporarily securing children in their rooms during regularly scheduled times, such as periods set aside for sleep or regularly scheduled down time, that are universally applicable to the entire population or within the child's assigned living area;

SECTION 3. Tennessee Code Annotated, Section 37-1-116(l), is amended by deleting the subsection and substituting instead the following:

(l) Seclusion must not be used for discipline, punishment, administrative convenience, retaliation, staffing shortages, or any reason other than a temporary response to behavior that threatens immediate harm to a youth or others. This subsection (l) applies to any child detained in any facility pursuant to § 37-1-114, either pre-adjudication or post-adjudication.

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

  
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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 162\***

**House Bill No. 466**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding the following new section:

(a) As used in this section:

- (1) "Department" means the department of children's services; and
- (2) "Relative caregiver" means a person within a first, second, or third degree of relationship to the parent or the step-parent of a child who may be related through blood, marriage, or adoption.

(b) The department shall create a pilot program to provide payments to eligible relative caregivers in accordance with this section. The pilot program must begin January 1, 2022, and continue through December 31, 2024.

(c) A relative caregiver must receive payment equal to fifty percent (50%) of the full foster care rate for the care of a child if:

- (1) The child has not been placed in state custody;
- (2) The child is sixteen (16) years of age or younger;
- (3) The relative caregiver is twenty-one (21) years of age or older;
- (4) The child was placed in the care of the relative caregiver, by a court acting under chapter 1, part 1 of this title;
- (5) The relative caregiver's total adjusted household income does not exceed more than twice the current federal poverty guidelines based on the size of the family unit. As used in this subdivision (c)(5), "household income" is



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determined by including the income of the primary relative caregiver, the spouse of the primary relative caregiver, and any adult children of the relative caregiver who are living in the same home as the relative caregiver; and

(6) The relative caregiver agrees to seek the establishment and enforcement of child support, including, but not limited to, the naming of the father of a child for purposes of paternity establishment, unless good cause not to cooperate exists, as defined by the department by rule.

(d) Payment pursuant to subsection (c) is subject to the initial and continuing eligibility of the relative caregiver and the child pursuant to this section and rules promulgated by the department. There is no entitlement to payment by a relative caregiver pursuant to subsection (c).

(e) The department may establish additional requirements for payment pursuant to subsection (c); however, no such requirement shall be that the child is or has been in the custody of the department. Additional requirements may include that the relative caregiver cooperate with any activities required by the department to reduce the likelihood that the child will enter state custody, such as counseling, therapy or court sessions, or visits with family members.

(f) No later than February 1 following the conclusion of each calendar year of the pilot program, the department shall publish an annual report on the payments required by this section. The content of the report must include, but is not limited to:

(1) The amount of payments made pursuant to this section;

(2) Rates at which children in the custody of relative caregivers who receive payment pursuant to this section enter state custody as compared to the rates of other at-risk children;

(3) The number of children that remained out of state custody as a result of the pilot program created by this section; and

(4) The amount of any money saved as a result of children remaining out of state custody as a result of the pilot program created by this section.

(g) The commissioner of children's services may promulgate rules necessary to carry out this section pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. For purposes of promulgating rules, this act takes effect upon becoming a law, the public welfare requiring it. For all other purposes, this act takes effect January 1, 2022, the public welfare requiring it, and terminates January 1, 2025.

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**AMEND Senate Bill No. 1366**

**House Bill No. 237\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-101, is amended by deleting subdivision (a)(2)(A)(i) and substituting the following:

(i) Except as provided in this subdivision (a)(2)(A), neither a preference nor a presumption for or against joint legal custody, joint physical custody, or sole custody is established, but the court shall have the widest discretion to order a custody arrangement that is in the best interest of the child. It is the public policy of the state to maximize the participation of both parents pursuant to § 36-6-106(a). Unless both parents have agreed to a custody arrangement and parenting plan, orders for custody arrangements must include written findings of fact and conclusions of law to support the basis for the order. Unless the court finds by clear and convincing evidence to the contrary, there is a presumption that joint custody is in the best interest of a minor child where the parents have agreed to joint custody or so agree in open court at a hearing for the purpose of determining the custody of the minor child. For the purpose of assisting the court in making a determination whether an award of joint custody is appropriate, the court may direct that an investigation be conducted. The burden of proof necessary to modify an order of joint custody at a subsequent proceeding shall be by a preponderance of the evidence.

SECTION 2. Tennessee Code Annotated, Section 37-2-414, is amended by adding the following as a new subsection:



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(d) When a child has been removed from the home of one (1) parent and is in the care, custody, or guardianship of the department, the department shall consider and evaluate the child's other natural or adoptive parent, if available, for placement before considering any other relative pursuant to subsection (b). The child's other natural or adoptive parent is not eligible for the kinship foster care program or any payments for kinship foster care under the program.

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it.



House Children & Family Affairs Subcommittee Am. # 1

Amendment No. \_\_\_\_\_



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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 589**

**House Bill No. 465\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 5, Part 1, is amended by adding the following as a new section:

When testing a child for the presence of a controlled substance in the child's body, the department shall use a hair follicle test. The department may also use any other drug testing method in addition to a hair follicle test.

SECTION 2. This act takes effect July 1, 2021, the public welfare requiring it.



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**AMEND Senate Bill No. 447\***

**House Bill No. 1231**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 37-1-116(j), is amended by adding the following new subdivision:

(5) Upon a security breach at a secure detention or correctional facility designated, operated, or approved by the court for confinement of juveniles; a youth development center; or other hardware secure facility that contracts with the department, the on-site facility supervisor-in-charge shall immediately report the security breach to the department of children's services and the chief law enforcement officer of the county in which the facility is located. The report must include the facts of the security breach, the time when the breach occurred, and the circumstances under which the breach occurred, together with the particular description of any person involved in the breach, including the person's age, size, complexion, race, and color of hair and eyes. As used in this subdivision (j)(5), "security breach" means entry into a secure detention or correctional facility, youth development center, or other hardware secure facility that contracts with the department by an adult or child who is not authorized to do so. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j)(5) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 2. Tennessee Code Annotated, Section 37-1-116(j)(4), is amended by deleting the subdivision and substituting:



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(4) Upon an escape by a juvenile who is alleged or adjudicated to be delinquent by virtue of an act which is a felony if committed by an adult and who is confined to a secure detention or correctional facility designated, operated, or approved by the court, a youth development center, or other hardware secure facility that contracts with the department, the onsite facility supervisor-in-charge shall immediately report the escape to the department of children's services and chief law enforcement officer of the county in which the facility is located. The report must include the facts of the escape, the time when the escape occurred and the circumstances under which the escape occurred, together with the particular description of the escapee, the escapee's age, size, complexion, race, color of hair and eyes, and from what county the escapee was committed, for what offense, and when the offense occurred. An on-site facility supervisor-in-charge who intentionally fails to comply with the reporting requirement of this subdivision (j)(4) may be charged with the offense of permitting or facilitating escape under § 39-16-607.

SECTION 3. Tennessee Code Annotated, Section 37-5-105(4), is amended by adding the following new subdivision:

(C) The annual report must contain information about any escape, attempted escape, security breach, as defined in § 37-1-116(j)(5), or attempted security breach that has occurred in the previous calendar year at a secure detention or correctional facility designated, operated, or approved by a juvenile court for confinement of juveniles. The information must include the facts of the escape, security breach, or attempt, the time when the escape, breach, or attempt occurred, and the circumstances under which the escape, breach, or attempt occurred.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it.

House Children & Family Affairs Subcommittee Am. # 1

Amendment No. \_\_\_\_\_

  
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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1440**

**House Bill No. 581\***

by deleting Section 3 and substituting instead:

SECTION 3. Tennessee Code Annotated, Section 34-3-105, is amended by adding the following as a new subsection (f):

(f) Reports and documents prepared under this section are confidential and are not open for inspection by the public. However, this section does not:

- (1) Limit the respondent or the respondent's agent or attorney from having access to any such reports or documents about the respondent; or
- (2) Prohibit an investigative body from accessing any such reports or documents as authorized or required by law.



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**AMEND Senate Bill No. 939\***

**House Bill No. 1292**

by deleting Section 39-17-1901(d) in SECTION 1 and substituting:

(d) As used in this part:

(1) "Emergency protection order" means an order of protection issued pursuant to this part;

(2) "Family member" means a person who is related to the respondent by blood, adoption, or marriage or was formerly related to the respondent by marriage; and

(3) "Household member" means a person who lives or has lived in the same household with the respondent.

**AND FURTHER AMEND** by deleting the language "within forty-eight (48) hours of" in Section 39-17-1905(a)(1) and substituting "immediately upon".



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